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DEPARTMENT OF THE ARMY  
Corps of Engineers, Omaha District  
215 North 17th Street  
Omaha, Nebraska 68102-4978

DM 25-1-50

CEMRO-OC

Memorandum  
No. 25-1-50

15 September 1990

Information Management  
PROCEDURE FOR PROCESSING FREEDOM OF INFORMATION ACT REQUESTS

1. Purpose. The purpose of this memorandum is to prescribe policies and procedures for handling Freedom of Information Act (FOIA) Requests.

2. Applicability. It applies to all elements of the Omaha District.

3. Responsibilities.

a. Office of Counsel will:

(1) Coordinate and prepare all necessary responses to FOIA requests based upon information and records provided by the office(s) responsible for maintaining the requested record(s).

(2) Assemble and forward to the Initial Denial Authority (IDA) recommendations that release of certain documents be denied.

b. The Omaha District mailroom, where such written requests are initially received, will:

(1) Identify and record receipt of all requests for production of records which explicitly refer to the Freedom of Information Act, FOIA, 5 USC 552, or which implicitly invokes this law. An example of an implicit request under FOIA is "Under the 10-day limit imposed by Congress, I request a copy of ER 1180-1-xx."

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This Memorandum supersedes MRO SOP 340-1-5 dated 2 Feb 82.

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(2) Route such requests through the Executive Office to Office of Counsel.

(3) Record the date that a response is forwarded to the requester.

c. Resource Management Office mailroom will:

(1) Identify any written requests for the production of records which are explicitly marked "Freedom of Information Act," "FOIA," or "5 USC 552" or which implicitly invoke FOIA.

(2) Immediately handcarry such written requests to the Omaha District mailroom for handling pursuant to 3b above.

#### 4. Procedure.

a. Incoming mail is normally received and opened in the Omaha District mailroom. After opening, a cursory examination of all correspondence should be made to determine if the Freedom of Information Act is being invoked either by explicit reference to the Act, to FOIA, or to 5 USC 552 or by implicit reference to FOIA. An example of an implicit reference is found in 3b(1) above. If it is not clear whether the requester is attempting to invoke FOIA, Office of Counsel should be contacted for a determination.

b. Once the request is determined to be one lodged under FOIA, it should be recorded as such and routed to Office of Counsel for handling. In no case should a FOIA request be routed to any other Division or Office without first obtaining the approval of the District Counsel.

c. The Resource Management Office mailroom should also perform a cursory examination of all incoming mail to determine whether a request for records is being made either explicitly or implicitly under the Freedom of Information Act, FOIA, or 5 USC 552. If it is not clear whether the requester is attempting to invoke FOIA, Office of Counsel should be contacted for a determination. Once it has been determined that the request is being presented pursuant to FOIA, it should be immediately handcarried to the Omaha District mailroom and handled pursuant to 4b above.

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d. At various times, letters, correspondence, requests for records, or the like, may be hand-delivered to an office or employee in the District Office. If such document contains terms such as "Freedom of Information Act request" or "FOIA request" or "5 USC 552," or if it implicitly refers to FOIA, it should be immediately handcarried to the Omaha District mailroom and processed in accordance with 4b above. Office of Counsel should be consulted if it is not clear whether the request is being presented pursuant to FOIA.

e. Incoming mail and hand-delivered correspondence received in Area, Resident, Project or other Field Offices should also be examined to determine if a request is being made either explicitly or implicitly under the Freedom of Information Act, FOIA, or 5 USC 552. If the request is being presented pursuant to FOIA, notice of the request should immediately be given by telephone to Office of Counsel. This notice should then be followed up by transmitting a copy of the request to Office of Counsel by telecopier if available or, if not available, by mail.

f. After receiving a FOIA request, Office of Counsel will request that the necessary information be gathered or that files and records be reviewed for releasability by the field element which has control of the pertinent records. Office of Counsel will then prepare the necessary correspondence to respond to the request. In some cases handling of the request may involve a determination to recommend to the IDA that it be denied. In these cases, Office of Counsel will prepare and transmit the required information to the IDA. Whether records will be furnished or denial of the request is recommended, searches for records and accumulating information will in most cases be required of one or more District or field elements. These searches and information gathering tasks should be accomplished on a priority basis since the Freedom of Information Act Officer (i.e., the District Counsel) is required by statute to respond to FOIA requests within 10 working days after receipt.

g. Any District or field element which participates in the handling of a FOIA request should maintain a record of time spent in searching for and gathering records as well as

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the number of copies made. This information should be transmitted to Office of Counsel at the same time that the records are furnished.

FOR THE COMMANDER:

  
DONALD E. NEEDHAM  
LTC, EN  
Deputy Commander

DISTRIBUTION:

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